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Report of the Working Group on Arbitrary Detention

Note by the Secretariat

During the period from 1 January to 31 December 2015, the Working Group on Arbitrary Detention, under its regular procedure, adopted 56 opinions concerning the detention of 91 persons in 37 countries. It also transmitted 83 urgent appeals to 42 Governments concerning 241 individuals, as well as 12 letters of allegations to 11 Governments. States informed the Working Group that they had taken measures to remedy the situation of detainees and in some cases detainees were released. The Working Group is grateful to those Governments that heeded its appeals and that took steps to provide it with the requested information on the situation of detainees.

The Working Group engaged in continuous dialogue with countries that it visited, in particular in respect of its recommendations. In 2015, the Working Group undertook a follow-up visit to Malta. The report on the visit is contained in an addendum to the present report (A/HRC/33/50/Add.1).

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I. Introduction

1. The Working Group on Arbitrary Detention was established by the Commission on Human Rights in its resolution 1991/42 and entrusted with the investigation of instances of alleged arbitrary deprivation of liberty, according to the standards set forth in the Universal Declaration of Human Rights and the relevant international instruments accepted by the States concerned. The mandate of the Working Group was clarified and extended by the Commission in its resolution 1997/50 to cover the issue of administrative custody of asylum seekers and immigrants. At its sixth session, the Human Rights Council assessed and confirmed the mandate of the Working Group (Council resolution 6/4). On 26 September 2013, in its resolution 24/7, the Council extended the Working Group's mandate for a further three-year period.

2. During the period from 1 January to 31 July 2015, the Working Group was composed of Sétondji Roland Jean-Baptiste Adjovi (Benin), Mads Andenas (Norway), José Antonio Guevara Bermúdez (Mexico), Seong-Phil Hong (Republic of Korea) and Vladimir Tochilovsky (Ukraine). On 1 August 2015, Leigh Toomey (Australia) started her functions as a member of the Working Group, replacing Mr. Andenas.

3. In April 2015, at the seventy-second session of the Working Group, Mr. Hong was elected as Chair-Rapporteur, Mr. Guevara Bermúdez as Vice-Chair and Mr. Adjovi as Vice-Chair.

II. Activities of the Working Group in 2015

4. During the period from 1 January to 31 December 2015, the Working Group held its seventy-second, seventy-third and seventy-fourth sessions. It undertook a follow-up visit to Malta between 23 and 25 June 2015 (see A/HRC/33/50/Add.1).

A. Handling of communications addressed to the Working Group in 2015

1. Communications transmitted to Governments

5. At its seventy-second, seventy-third and seventy-fourth sessions, the Working Group adopted a total of 56 opinions concerning 91 persons in 37 countries (see the table below).

2. Opinions of the Working Group

6. Pursuant to its methods of work (A/HRC/30/69), the Working Group, in addressing its opinions to Governments, drew their attention to Commission on Human Rights resolutions 1997/50 and 2003/31 and Human Rights Council resolutions 6/4 and 24/7, requesting them to take account of the Working Group's opinions and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they had taken.

Opinions adopted at the seventy-second, seventy-third and seventy-fourth sessions of the Working Group

Opinion No.	*State*	*Government reply*	*Person(s) concerned*	*Opinion*
1/2015	Bolivarian Republic of Venezuela	No	Vincenzo Scarano Spisso	Detention arbitrary, categories I, II and III
2/2015	Ethiopia/ Yemen	No	Andargachew Tsige	Detention arbitrary, categories II, III and V (Ethiopia); detention arbitrary, categories I and III (Yemen)
3/2015	China	Yes	Jiaxi Ding	Detention arbitrary, category II
4/2015	Senegal	No	Karim Wade	Detention arbitrary, categories I and III
5/2015	Syrian Arab Republic	No	Bassel Khartabil	Detention arbitrary, categories II and III
6/2015	Swaziland	No	Thulani Rudolf Maseko	Detention arbitrary, Categories II and III
7/2015	Bolivarian Republic of Venezuela	No	Rosmit Mantilla	Detention arbitrary, categories II, III and V
8/2015	Australia	No	Sayed Abdellatif and Ms. A and their six children: B, C, D, E, F and G (whose names are known to the Working Group on Arbitrary Detention)	Detention arbitrary, category IV
9/2015	Sudan	No	Amin Mekki Medani, Farouk Abu Eissa and Farah Ibrahim Mohamed Alagar	Detention arbitrary, categories I, II and III
10/2015	Cameroon	No	Annette Lydienne Yen-Eyoum	Detention arbitrary, category I
11/2015	Republic of Moldova	No	Nikolai Tsipovic	Case filed
12/2015	Republic of Moldova	No	Olesya Vedj	Case filed
13/2015	Saudi Arabia	No	Majid Al Nassif	Detention arbitrary, categories II and III
14/2015	Egypt	Yes	A minor (whose name is known by the Working Group)	Detention arbitrary, categories I and III

Opinion No.	*State*	*Government reply*	*Person(s) concerned*	*Opinion*
15/2015	Thailand	No	Yongyuth Boondee	Detention arbitrary, category III
16/2015	Islamic Republic of Iran	No	Mohammad Reza Pourshajari	Detention arbitrary, categories II and III
17/2015	Egypt	Yes	A minor (whose name is known by the Working Group)	Detention arbitrary, category III
18/2015	Mexico	Yes	Pedro Celestino Canché Herrera	Detention arbitrary, categories II and V
19/2015	Mexico	No	Librado Jacinto Baños Rodríguez	Detention arbitrary, categories II and V
20/2015	Guinea	No	Nouhou Thiam, Mohamed Kaba, Mohamed Condé, Saadou Diallo and Kémo Condé	Detention arbitrary, categories I and III
21/2015	New Zealand	No	Mr. A (whose name is known to the Working Group on Arbitrary Detention)	Detention arbitrary, categories I and V
22/2015	Malaysia	No	Anwar Ibrahim	Detention arbitrary, categories II and III
23/2015	Bahrain	No[a]	Sheikh Ahmed Ali al-Salman	Detention arbitrary, categories II and III
24/2015	Philippines	Yes	Gloria Macapagal-Arroyo	Detention arbitrary, categories II, III and V
25/2015	Democratic Republic of the Congo	No	Emile Bisimwa Muhirhi	Detention arbitrary, categories I and III
26/2015	Bolivarian Republic of Venezuela	No	Gerardo Ernesto Carrero Delgado, Gerardo Rafael Resplandor Veracierta, Nixon Alfonzo Leal Toro, Carlos Pérez y Renzo David Prieto Ramírez	Detention arbitrary, categories I, II and III
27/2015	Bolivarian Republic of Venezuela	No	Antonio José Ledezma Díaz	Detention arbitrary, categories I, II, and III
28/2015	Kuwait	Yes	Abdullah Fairouz Abdullah Abd al-Kareem	Detention arbitrary, categories I and II
29/2015	Democratic People's Republic of Korea	Yes	Song Hyeok Kim	Detention arbitrary, categories I, II, III and V

Opinion No.	State	Government reply	Person(s) concerned	Opinion
30/2015	Burundi	No	Frédéric Bamvuginyumvira	Detention arbitrary, categories I, II and V
31/2015	Democratic Republic of the Congo	No	Frédéric Bauma Winga	Detention arbitrary, categories I, II and III
32/2015	Democratic People's Republic of Korea	No	Hyang-sil Kwon	Detention arbitrary, categories I and III
33/2015	Maldives	Yes	Mohamed Nasheed	Detention arbitrary, categories I, II, III and V
34/2015	Morocco	Yes	Rachid Ghribi Laroussi	Detention arbitrary, categories II and III
35/2015	United Arab Emirates	Yes	Mahmoud Abdulrahman al-Jaidah	Detention arbitrary, categories I, II and III
36/2015	Spain	Yes	Aránzazu Zulueta Amuchástegui	Case filed
37/2015	Democratic Republic of the Congo	No	Christopher Ngoyi Mutamba	Detention arbitrary, categories I, II and III
38/2015	Saudi Arabia	Yes	Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Mohammed al-Qahtani, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif, Waleed Abu al-Khair	Detention arbitrary, categories II and III
39/2015	China	No	Su Changlan	Detention arbitrary, categories II and III
40/2015	Turkmenistan	Yes	Saparmamed Nepeskuliev	Detention arbitrary, categories II and III
41/2015	Bahrain	Yes	Ali Mahdi Hasan Saeed, Hasan Mahdi Hasan Saeed, Husain Abdul Jalil Husain, and Mahmood Mohamed Ali Mahdi	Detention arbitrary, categories I and III
42/2015	Azerbaijan	Yes	Irina Zakharchenko and Valida Jabrayilova	Detention arbitrary, categories II, III and V
43/2015	Thailand	Yes	Pornthip Munkong	Detention arbitrary, categories II and III

Opinion No.	*State*	*Government reply*	*Person(s) concerned*	*Opinion*
44/2015	Islamic Republic of Iran	No	Jason Rezaian	Detention arbitrary, categories I, II and III
45/2015	Viet Nam	No	Nguyen Viet Dung	Detention arbitrary, categories I and III
46/2015	Viet Nam	No	Hung Linh Nguyen	Detention arbitrary, category I
47/2015	Angola	No	José Marcos Mavungo	Detention arbitrary, categories I, II and III
48/2015	Serbia	No	Djuro Kljaic	Case filed
49/2015	Egypt	Yes	Ahmed Saad Douma Saad, Ahmed Maher Ibrahim Tantawy and Mohamed Adel Fahmi	Detention arbitrary, categories II and III
50/2015	The Gambia	No.	Alhagie Abdoulie Ceesay	Detention arbitrary, categories I, II and III
51/2015	United Arab Emirates	Yes	Salim Alaradi, Kamal Ahmed Eldarrat, Momed Kamal Eldarrat, Moad Mohammed al-Hashmi and Adil Rajab Nasif	Detention arbitrary, categories I and III
52/2015	Egypt	Yes	Yara Sallam	Detention arbitrary, categories II and III
53/2015	Egypt	Yes	Two minors (whose names are known by the Working Group)	Detention arbitrary, category III
54/2015	Sweden and the United Kingdom of Great Britain and Northern Ireland	Yes (Sweden) Yes (the United Kingdom of Great Britain and Northern Ireland)	Julian Assange	Detention arbitrary, category III
55/2015	Mexico	No	Enrique Guerrero Aviña	Detention arbitrary, categories I, II and III
56/2015	Mexico	Yes	Nestora Salgado García	Detention arbitrary, categories I, II and III

[a] The Government of Bahrain responded to the urgent appeal transmitted jointly by several special procedure mandate holders, including the Working Group, concerning the same subject, but not to the regular communication. In accordance with paragraph 23 of the Working Group's methods of work, it is required that the Government submit separate responses to the urgent appeal and to the communication.

3. Amendments to the methods of work concerning the review and publication of opinions

7. At its seventy-fourth session, the Working Group decided to amend its methods of work. The revised version is contained in document A/HRC/33/66. The following changes to the methods of work were agreed by the members of the Working Group:

- Paragraph 7 (b) was amended to reflect the adoption in 2015 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), a revision of the previous Standard Minimum Rules;
- Paragraph 18 was amended to allow the Working Group to submit its opinion to the source 48 hours after it has been sent to the Government;
- Paragraph 21 was amended to allow the Working Group to conduct *proprio motu* a review of its opinions.

4. Reactions from Governments concerning previous opinions

8. By note verbale dated 22 May 2015, the Government of Australia informed the Working Group that Sayed Abdellatif, his wife and their children were currently in immigration detention as unlawful non-citizens (opinion No. 8/2015). The Government stated that, to date, no durable solution had been found.

9. By note verbale dated 29 May 2015, the Government of the Islamic Republic of Iran informed the Working Group that the detention of Mohammad Reza Pourshajari (opinion No. 16/2015) was in compliance with the applicable domestic law.

10. By note verbale dated 11 June 2015, the Government of the Republic of Moldova submitted that in the cases of Nikolai Tsipovic and Olesya Vedj (opinions No. 11/2015 and No. 12/2015) the investigative bodies had been operating in accordance with national and international legislation, respecting the principle of proportionality and the guarantees of the European Court of Human Rights.

11. By note verbale dated 21 October 2015, the Government of Burundi informed the Working Group that the initial communication regarding the case of Frédéric Bamvuginyumvira sent to the Government on 9 June 2015 (opinion No. 30/2015) had not been received by the Permanent Mission of Burundi to the United Nations Office and other international organizations in Geneva.

12. By note verbale dated 16 November 2015, the Government of Malaysia informed the Working Group that, in the case of Anwar Ibrahim (opinion No. 22/2015) there was no valid ground that warranted his immediate release as recommended by the Working Group.

13. By note verbale dated 29 October 2015, the Government of Turkmenistan provided its comments on the situation of Arslannazar Nazarov and Bairamklich Khadzhiorazov (opinion No. 40/2014), stating that there were no grounds to cancel or reconsider their sentences of 15 years of imprisonment handed down by the court in its lawfully issued verdict of 24 September 2014.

14. By note verbale dated 29 September 2015, the Government of the Bolivarian Republic of Venezuela expressed concern that, in the case concerning Antonio José Ledezma Díaz (opinion No. 27/2015), the Working Group had not considered the Government's reply to a previous urgent appeal sent on 27 March 2015 (VEN 3/2015).

15. By note verbale dated 18 December 2015, the Government of Angola provided a late response on the case concerning José Marcos Mavungo (opinion No. 47/2015).

16. By note verbale dated 7 December 2015, the Government of Mexico submitted a late response on the case concerning Enrique Guerrero Aviña (opinion No. 55/2015).

17. By note verbale, received on 9 December 2015, the Permanent Mission of China to the United Nations Office and other international organizations in Geneva submitted a late response on the case concerning Su Changlan (opinion No. 39/2015).

5. Release of subjects of the Working Group's opinions

18. The Working Group received the following information from Governments and/or sources on the release of subjects of its opinions:

(a) On 1 July 2015, the Working Group was informed that Thulani Rudolf Maseko's appeal had been successful and that he had been unconditionally released on 30 June 2015 (opinion No. 6/2015 (Swaziland));

(b) By note verbale dated 30 July 2015, the Government of Mexico informed the Working Group that on 28 May 2015, the second collegiate tribunal of the Twenty-seventh District of Quintana Roo had ruled in favour of Pedro Celestino Canché Herrera and that he had been released on the following day (opinion No. 18/2015);

(c) By note verbale dated 2 November 2015, the Government of the United Arab Emirates informed the Working Group that Mahmoud Abdulrahman al-Jaidah had been released in May 2015 (opinion No. 35/2015);

(d) The Working Group was informed that Wael Aly Ahmed Aly had been released on December 2012 following a decision on his appeal (opinion No. 1/2012 (Egypt));

(e) On 20 November 2015, the Working Group was informed that Abdelmageed Meshali had been released on 22 April 2015; Khaled El-Kazza had been released previously, on 12 January 2015 (opinion No. 39/2013 (Egypt));

(f) On 20 November 2015, the Working Group was informed that Issam Mahamed Tahar Al Barquaoui Al Uteibi had been released after serving his sentence (opinions No. 18/2007 and No. 60/2011 (Jordan));

(g) The Working Group was informed that three subjects of its opinion No. 53/2013 (Jordan) had been released;

(h) The Working Group was informed that the subjects of opinions No. 37/2008, No. 2/2011, No. 45/2011 and No. 18/2014 (Saudi Arabia) had been released. In addition, in regard to opinion No. 25/2004 (Saudi Arabia), the Working Group was only recently informed that on 11 January 2009 Matrouk b. Hais b. Khalif Al-Faleh had been released;

(i) The Working Group was informed that the subjects of opinions No. 9/2008, No. 40/2008, No. 13/2009, No. 17/2010 and No. 19/2012 (Yemen) had been released. With regard to opinion No. 5/2011 (Yemen), the Working Group only learned recently that Osama Mohsen Hussein Al Saadi had been released on 11 September 2010;

(j) The Working Group was informed that Nikola Milat had been released (opinion No. 14/2010 (United Arab Emirates));

(k) The Working Group was informed that Paul Eric Kingue had been released on 21 May 2015 (opinion No. 38/2014 (Cameroon));

(l) The Working Group was informed that Mazen Darwish had been released on 10 August 2015 (opinion No. 43/2013 (Syrian Arab Republic));

(m) The Working Group was informed that Mary Ta Phong Tan had been released on 19 September 2015 (opinion No. 26/2013 (Viet Nam));

(n) The Working Group was informed that Yara Sallam had been released on 23 September 2015 (opinion No. 52/2015 (Egypt)).

19. The Working Group expresses its gratitude to those Governments that undertook positive actions and released detainees that were subjects of its opinions. However, it also expresses regret that some Member States have not fully cooperated in enforcing the opinions.

6. Requests for review of opinions adopted

20. The Working Group considered requests for review of the following opinions:

(a) Opinion No. 10/2014 (Egypt), concerning Mohamed Essayed Ali Rasslan, Mohamed Mohamed Abdo Abdullah, Ahmed Hussein Ali, Ahmed Mohamed Tohamy, Motaz Ahmed Motwali, Mohamed Mohamed Abduh, Assayed Mohamed Ezzat Ahmed, Assayed Saber Ahmed Suleiman, Ahmed Hassan Fawaz Atta, Mohamed Abdel Hamid Abdel Fattah Abdel Hamid, Sayyed Ali Abdel Zaher and Mahmoud Abdel Fattah Abbas;

(b) Opinion No. 15/2014 (Canada), concerning Michael Mvogo;

(c) Opinion No. 4/2015 (Senegal), concerning Karim Wade;

(d) Opinion No. 5/2015 (Syrian Arab Republic), concerning Bassel Khartabil;

(e) Opinion No. 24/2015 (Philippines), concerning Gloria Macapagal-Arroyo;

(f) Opinion No. 33/2015 (Maldives), concerning Mohamed Nasheed.

21. After carefully and closely examining the requests for review, the Working Group decided to maintain its opinions on the basis that none of the requests met criteria outlined in paragraph 21 of its methods of work.

7. Reprisal against a subject of an opinion of the Working Group

22. The Working Group remains concerned regarding the continued detention under house arrest of Maria Lourdes Afiuni Mora, the subject of opinion No. 20/2010, who was arrested in 2009 for ordering the conditional release of Eligio Cedeño, the subject of the Working Group's opinion No. 10/2009. The Working Group considers the detention of Ms. Afiuni as a measure of reprisal. It is also concerned at claims that Ms. Afiuni was subjected to ill-treatment and sexual assault during her detention and that those claims were not promptly investigated. It reiterates its calls to the Government of the Bolivarian Republic of Venezuela to immediately release Ms. Afiuni and to provide her with effective and adequate reparations.

8. Urgent appeals

23. During the period from 1 January 2015 to 31 December 2015, the Working Group sent 83 urgent appeals to 42 Governments concerning 241 individuals. The list of countries concerned and the number of urgent appeals transmitted to each is as follows:

Angola	1
Azerbaijan	2
Bahrain	5
Bangladesh	1
Burundi	2
Cambodia	1
China	4
Cuba	2

Democratic Republic of the Congo	1
Egypt	6
Gambia	1
India	1
Iran (Islamic Republic of)	7
Iraq	1
Israel	2
Kazakhstan	2
Kenya	1
Kuwait	1
Kyrgyzstan	1
Lebanon	1
Lesotho	1
Mauritania	1
Mexico	5
Morocco	1
Myanmar	3
Oman	1
Panama	1
Qatar	1
Republic of Korea	1
Saudi Arabia	4
South Sudan	1
Sudan	3
Swaziland	1
Syrian Arab Republic	1
Tajikistan	1
Thailand	1
The former Yugoslav Republic of Macedonia	1
Turkey	2
United Arab Emirates	3
Ukraine	1
Uzbekistan	2
Venezuela (Bolivarian Republic of)	5

24. The full text of the urgent appeals can be consulted in the joint communications reports of the special procedure mandate holders.[1]

25. In conformity with paragraphs 22 to 24 of its methods of work, the Working Group, without prejudging whether a detention was arbitrary, drew the attention of each of the Governments concerned to the specific case as reported, and appealed to them to take the measures necessary to ensure that the detained persons' rights to life and to physical integrity were respected.

26. When an appeal made reference to the critical state of health of certain persons or to particular circumstances, such as failure to execute a court order for release or a previous opinion seeking the release of the person, the Working Group requested the Government concerned to take all measures necessary for the immediate release of the person. In accordance with Human Rights Council resolution 5/2, the Working Group integrated into its methods of work the prescriptions of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council relating to urgent appeals and has since applied them.

27. During the period under review, the Working Group also sent 12 letters of allegation and other letters to France, the Gambia, Italy, Morocco, Pakistan (2), Portugal, Senegal, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine and the United States of America.

28. The Working Group wishes to thank those Governments that heeded its appeals and that took steps to provide it with information on the situation of the persons concerned, especially the Governments that released those persons.

B. Country visits

1. Requests for visits

29. The Working Group has been invited to visit Azerbaijan, Kazakhstan, Latvia, Poland, the Republic of Korea, Rwanda and the United States, as well as the State of Palestine.

30. During the interactive dialogue held at the thirtieth session of the Human Rights Council, a representative of the Permanent Mission of Mauritania to the United Nations Office and other international organizations in Geneva expressed the interest of the Government in a follow-up visit to the country and invited the Working Group to suggest dates.

31. On 11 September 2015, the Government of Azerbaijan confirmed the dates for the visit of the Working Group, which took place from 16 to 25 May 2016. Findings from the visit will be duly covered in the next annual report.

32. On 15 September 2015, the Government of Kazakhstan invited the Working Group to undertake an official visit from 12 to 23 October 2015. Regrettably, the members of the Working Group could not accommodate those dates, and suggested, in a letter dated 24 September 2015, new dates in July 2016. The Government has not yet responded to the suggestion or made alternative proposals.

33. On 5 March 2015, in its response to the invitation from the Government of the State of Palestine, the Working Group informed the Government that it would continue its

[1] For communications reports of the special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

strategic dialogue with all parties concerned. On 17 April 2015, the Working Group requested Israel to receive a country visit from the Working Group. By note verbale dated 22 July 2015, the Government declined the request. On 14 September 2015, during the interactive dialogue held at the thirtieth session of the Human Rights Council, the delegation of the State of Palestine reiterated its invitation to the Working Group to undertake a country visit at any suitable time.

34. On 4 December 2015, the Permanent Mission of the United States of America to the United Nations Office and other international organizations in Geneva notified the Working Group of the acceptance by the United States authorities of the Working Group's request for a preliminary visit to the United States and of its willingness to facilitate such a visit in April 2016.

35. In December 2015, the Permanent Mission of the Republic of Korea to the United Nations Office and other international organizations in Geneva proposed that the Working Group's country visit take place in the second half of 2016.

36. The Working Group also made requests to visit Algeria (3 March 2015), Argentina (24 February 2015), the Democratic People's Republic of Korea (17 April 2015), Ethiopia (5 March 2015), Guatemala (10 March 2015), Japan (15 April 2015), Kenya (6 March 2015), Nauru (24 February 2015), Rwanda (19 March 2015), Singapore (9 March 2015), Uganda (6 March 2015), the Bolivarian Republic of Venezuela (19 March 2015) and Viet Nam (15 April 2015). The Working Group has sent requests for follow-up visits to China (15 April 2015), Indonesia (15 April 2015), Malaysia (15 April 2015), Malta (26 February 2015) and Mexico (15 April 2015).

2. Responses of Governments to requests for invitations for country visits

37. In a note verbale dated 23 June 2015, the Government of Viet Nam informed the Working Group that the authorities had taken note of its request and would consider sending an invitation for a country visit at an appropriate time.

38. In a note verbale dated 26 June 2015, the Government of Japan referred to provisions in its penal law that would apparently prevent the Working Group from holding confidential meetings and interviews with detainees. However, during a meeting at the offices of the Permanent Mission of Japan to the United Nations Office and other international organizations in Geneva, the Working Group was able to further explain its terms of reference, which are consistent with the best practices in the field. It is still awaiting a further response from the Government.

39. By note verbale dated 2 April 2015, the Government of Nauru declined the Working Group's request to conduct a country visit between May and June 2015, but indicated that it would be pleased to discuss the possibility of such a visit taking place at a later date.

40. On 7 May 2015, the Government of Kenya responded to the Working Group's request for an invitation, suggesting that the Working Group identify the dates for the visit. On 2 July 2015, the Working Group transmitted a letter to the Government requesting that the visit take place in the last quarter of 2015. The Government has not yet responded.

41. On 17 August 2015, the Government of Rwanda declined the visit proposed for 2015 but indicated that it would be pleased to discuss the possibility of such a visit taking place in 2016. The Working Group responded by proposing that the visit take place in 2017 or 2018. The Government has not yet responded.

42. During a meeting on 31 August 2015, the Governments of Latvia, Myanmar and Poland indicated that they would be pleased to look into the possibility of discussing visits in 2016.

3. Follow-up to country visits

43. During the reporting period, the Working Group conducted a follow-up visit to Malta from 23 to 25 June 2015 at the invitation of the Government. Throughout the visit, the Working Group enjoyed the fullest cooperation of the Government and was able to hold confidential interviews with prisoners and detainees in Corradino Correctional Facility, the main prison in the country; the Young Offenders Unit Rehabilitation Services; the Safi detention centre in Safi Barracks; Hal Far open centre; the Forensic Unit at the Mount Carmel Hospital and the newly established initial reception centre for children. Detailed information about the visit is provided in an addendum to the present report (A/HRC/33/50/Add.1).

44. In 2014, the Working Group requested information from the Government of El Salvador, which it had visited in 2012. On 19 May 2015, the Government provided detailed information about the measures it had taken to follow up on the recommendations made by the Working Group. This information is included in an addendum to the report. The Working Group would like to thank the Government of El Salvador for the information received and will send it a comprehensive response.

III. Conclusions

45. **With respect to the activities of the Working Group, 2015 has been a productive year. The Working Group has renewed its composition, with one new member appointed in 2015 in addition to the three members appointed in 2014; the terms of all four new members have already been extended to 2020. This has created a special dynamic within the Working Group, which has translated into specific action.**

46. **First, the Working Group has conducted a thorough assessment of its procedure and made some changes in its methods of work. Some changes did not warrant any amendment of the methods of work, representing instead improvements to internal procedures. For instance, the Working Group has decided to make better use of its digital tools to allow better access to the materials for the session. This has led to the members of the Working Group working more during the intersessional periods. The Working Group has also been working to streamline the process for receipt of and response to communications, always keeping in mind the need to work as effectively and promptly as possible and to keep all parties informed.**

47. **Second, the Working Group has decided to embark on the design of a business plan to better alert the Member States about its workload and commitments while identifying the resources needed for success. Member States will be provided with appropriate information in the near future when the plan is finalized.**

48. **Third, the new dynamic has already translated into more opinions being issued each session. The Working Group plans to increase further its productivity if resources permit. This will certainly serve the need and uphold the trust of victims, who are increasingly seeking the assistance of the Working Group to remedy violations of their right to liberty.**

49. **Finally, the Working Group has decided to propose the establishment of an international day against arbitrary detention. Such a day would allow everyone to remember the victims of arbitrary detention, but would also be a day of celebration for those victims who have been released and who are often forgotten. Furthermore, it would be a day of worldwide mobilization against arbitrary detention. Having reviewed the current list of international days, the Working Group noticed that 5**

March — the day the Working Group was created by the Commission for Human Rights — is available and could therefore be proposed.

50. It is unfortunate that these positive developments are met with a less than enthusiastic response from the Member States. For example, Member States did not reply to the Working Group's communications and requests for information in 59 per cent of the cases that in which the Working Group adopted an opinion in 2015. Recent communications reports of the special procedure mandate holders reveal a similar rate of response to urgent appeals sent by the Working Group alone or with other special procedure mandate holders. Such lack of responsiveness raises a question about the aim the Member States were pursuing in creating the mechanism. While one must assume that the decision was made to serve the needs of victims worldwide and for the Member States to hold each other accountable, the sole logical deduction is that the States intended the mechanism to resolve the dispute brought by the victims. Thus, the settlement by the Working Group should be enforced in that same spirit, and that is the expectation of victims when they approach the Working Group for assistance. That is also the meaning underlying the constant reminder of the Human Rights Council for States to fully cooperate with the Working Group. It is therefore fair to conclude the present report on the expectation that the next report of the Working Group will reflect further cooperation by the States, both during the communications procedure, in terms of providing timely responses that meaningfully speak to the allegations made, and in the enforcement of the decisions made by the Working Group.

IV. Recommendations

51. The Working Group reiterates the recommendations made in its past reports.

52. The Working Group recommends that Member States increase their cooperation, especially with respect to country visits, urgent appeals and communications, and the enforcement of Working Group opinions, with a view to preventing and/or ending arbitrary detention.

53. The Working Group also recommends that the Human Rights Council request the General Assembly to declare 5 March as the international day against arbitrary detention.